

Patterson Belknap Webb & Tyler LLP

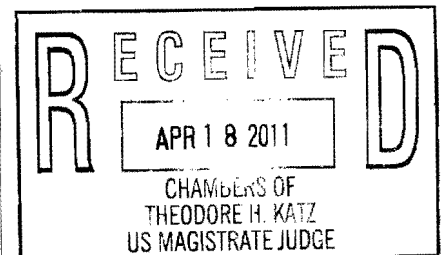
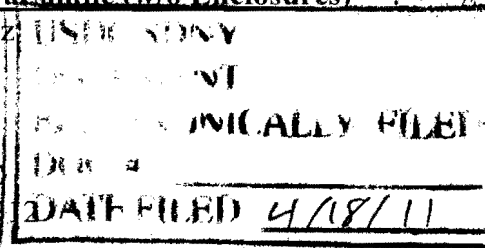
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April 15, 2011

Nicolas Commandeur
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By Hand (w/Enclosures) and Facsimile (w/o Enclosures)

The Honorable Theodore H. Katz
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Courtroom 17D
New York, New York 10007-13



**Re: Ambac Assurance Corp. v. EMC Mortgage Corp.,
Index No. 08 Civ. 9464 (RMB) (THK)**

Dear Judge Katz:

We represent plaintiff Ambac Assurance Corporation and write to request the Court's assistance in correcting an entry on the docket in this matter for purposes of the record on appeal. Defendant EMC Mortgage Corporation joins in this submission.

On October 4, 2010, the parties appeared for oral argument before the Court on Ambac's Motion to Amend the Complaint. After identifying certain errata in the October 4 transcript, the parties submitted a corrected transcript to Your Honor on October 7.¹ The corrected transcript was never entered on the docket, and is not part of the court record.

In light of EMC's appeal of this Court's Order granting Ambac's Motion to Amend, we spoke with Your Honor's clerk regarding how the parties should proceed and were instructed to submit a letter asking the Court to supplement the record. Accordingly, we respectfully request that Your Honor direct that the corrected transcript be filed and entered on the District Court docket, which will ensure that the complete record is available to the Second Circuit on EMC's appeal. We are available to discuss this further upon the Court's request.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Nicolas Commandeur".

Nicolas Commandeur

¹ See October 7, 2010 letter from Philip R. Forlenza to the Court enclosing the parties' corrections to the October 4 transcript. A courtesy copy is provided here for the Court's reference.

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Enclosure

cc: Counsel of Record for EMC (by e-mail attachment)

*The Court hereby grants
the parties' request and directs
the to docket and file the
corrected transcript of the October
4, 2010 conference.*

SO ORDERED

4/18/11

Theodore H. Katz

THEODORE H. KATZ

UNITED STATES MAGISTRATE JUDGE